

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Tuesday, 14th November, 2023

House met in the Main Chamber at 02:30 p.m.

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYERS

The Speaker (Hon. Oraro): Honourable Members, I want to make reference to the provisions of Orders No. 32 of the Kisumu County Assembly Standing Orders and request the Serjeant-at-Arms to ring the quorum bell for five minutes.

(Quorum bell ringing for five minutes)

The Speaker (Hon. Oraro): Mr. Clerk, kindly take us through the order of the day?

The Speaker (Hon. Oraro): Next order!!

PAPERS LAID

The Speaker (Hon. Oraro): What is it Hon. Adegga?

Hon. Adegga (MCA, Kajulu Ward): Thank you Mr. Speaker. On behalf of the Chairperson, Standing Committee of Education, Technical Training, Innovation and Social Services and pursuant to the provisions of Orders No. 182 (6) of the Kisumu County Assembly Standing Order, I wish to table today Tuesday, 14th November, 2023 report by the Standing Committee of

Education, Technical Training, Innovation and Social Services on the Kisumu County Early Childhood Development and Education Bill, 2023. Thank you.

(Hon. Adegga lays before the House the report for consideration)

The Speaker (Hon. Oraro): Honourable Members, I hereby confirm receipt of a report by the Standing Committee of Education, Technical Training, Innovation and Social Services on the Kisumu County Early Childhood Development and Education Bill, 2023. I want to commit this report to the Select Committee of House Business for purposes of scheduling for debate in this House. Thank you.

The Speaker (Hon. Oraro): Next Order!!

NOTICE OF MOTION

The Speaker (Hon. Oraro): Yes Hon. Benson Adegga

Hon. Adegga (MCA, Kajulu Ward): Thank you Mr. Speaker. I would like to give a Notice of Motion on behalf of the Chair, Education Committee. Pursuant to the provisions of Orders No. 45 (1) of the Kisumu County Assembly Standing Order, I wish to give a Notice of Motion that, this House adopts the report by the Standing Committee of Education, Technical Training, Innovation and Social Services on the Kisumu County Early Childhood Development and Education Bill, 2023. Thank you.

The Speaker (Hon. Oraro): Next order!!

STATEMENTS

The Speaker (Hon. Oraro): Honourable Members, it is statement time.

The Speaker (Hon. Oraro): Next order!!

MOTION

THIRD READING OF THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS)
AMENDMENT BILL, 2023 (KISUMU COUNTY BILL NO. 5)

BY

HON MOSES OCHELE, MCA, EAST KANO-WAWIDHI WARD.

(CHAIRPERSON, STANDING COMMITTEE OF ADMINISTRATION OF LAW, JUSTICE
AND CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY)

The Speaker (Hon Oraro): Yes, Hon Ochele.

Hon. Ochele (MCA, East Kano-Wawidhi Ward): Thank you Mr. Speaker. I move that the KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS) AMENDMENT BILL, 2023 (KISUMU COUNTY BILL NO. 5) be read a third time.

The Speaker (Hon Oraro): Yes Mr. Clerk

(The Clerk takes members through the reading of the Bill)

THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS) (AMANDMENT) BILL,
2023

A Bill for

AN ACT of the County Assembly of Kisumu to amend the Kisumu County Administration (Village Units) Act, 2019 and for connected purposes.

Mr. Speaker and Honourable Members, the Bill is hereby read for the third time.

The Speaker (Hon. Oraro): Honourable Members, I believe that you are all aware that the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 (Kisumu County Bill No. 5) was introduced in this House and committed to the Standing Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security, consequently, it was subjected to public participation and a report was brought in this House and adopted. The second reading was done, the House collapsed into the Committee of the Whole House and amendments were proposed on the Bill and adopted.

Honourable Member, today, the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 (Kisumu County Bill No. 5) has been read for a Third time and I want to propose for further amendments on the Bill for further discussions. The reading of the Bill for the Third time gives the Member the opportunity for any further amendments if there need be and this is the final component of the Bill making process. So, I open it for debate.

The Speaker (Hon. Oraro): Yes Hon. Seth Okumu member representing East Seme Ward.

Hon. Okumu (MCA, East Seme Ward): Thank you Mr. Speaker. I wish to move further amendments to the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 (Kisumu County Bill No. 5). Mr. Speaker, the second amendment on the first amendment on the proposed Bill at the stage of the second reading in accordance with the provisions of the Standing Orders will be done as follows;

Mr. Speaker, please allow me explain before I move these amendments. Honourable Members you are aware that were all in agreement and resolved that the Village Council Members be approved in this House. But, before we have the Village Councils, it is the Village Administrators that constitutes the Councils. So, these Village Administrators will have to be

approved by this House before they put the Councils in place. So, if we want to approve these Councils than, it will only be appropriate or prudent that we first get the Village Administrators, we approve them then, it is when we allow them to go and constitute these Councils and then they bring to this House the list of the Councils for our approval. By doing that, we shall have approved all the Members of these Councils as envisaged in the Act.

THAT, the County assemblies shall approve Members of the Village Councils and members of these Village Councils constitutes of the Village Administrators who is the Chairperson and the Village Council Members.

Mr. Speaker, for that to happen, then;

- I. THAT, Amendment of Section 10 (1) having been amended with an inclusion of a new Section immediately after the said section; a second amendment be caused on the first amendment as follows:

Amend by deleting the words “and the Members of the Village Council” immediately after the words “Village Administrators” to read as follows:

10 (2) The County Public Service Board shall within 14 days upon the completion of the interview process, submit the list of Village Administrators to the County Assembly for verification and approval.

- II. THAT, a second amendment be caused on the first amendment Clause 10 (3) by deleting the words “and the Village Council” immediately after the words “village administrators” to read as follows:

10 (3) Without prejudice to the generality of Section 10 (2) above, the County Public Service Board shall alongside the list of the proposed village administrators submit;

- III. THAT, the same amendment be caused in the first amendment Clause 10 (3) (b) by deleting the words “and members of the Village Council” immediately after the word “Village Administrators” to read as follows:

10 (3) (b) report on the village unit of residence and academic qualifications of the proposed village administrators and members of the Village Council.

- IV. THAT, a second amendment on the first amendment clause 10 (4) be amended by deleting the words “ant 2nd Schedule of this Act” immediately after the word “1st” to read as follows;

10 (4) The County Public Service Board shall submit the lists contemplated in sub-section (3) above in accordance with the templates provided for in the 1st Schedule

- V. THAT, an amendment be caused on the Bill by insertion of a new clause immediately after clause 10 (4) as follows:

10 (5) The Village Administrator shall within 21 days upon appointment nominate and submit a list of Members of the Village Councils to the CEC Member for County Administration in accordance with the 2nd Schedule of this Act.

10 (6) The CEC Member shall within 14 days submit the list of the Members all the Village Councils to the County Assembly for Approval.

Mr. Speaker, I wish to call upon the Vice-chair of JLAC Committee Hon. Reuben Rakwach to second my proposals on the amendment on the Bill. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Rakwach.

Hon. Rakwach (MCA, East Kolwa Ward): Thank you Mr. Speaker, I arise to second the amendments as proposed by Hon. Seth Okumu the super Member for East Seme. Thank you.

The Speaker (Hon. Oraro): Honourable Members, as per the provisions of the Standing Orders and the Rules of Debate, when there is a proposal to an amendment at hand, the procedure is that, we dispense of with that particular motion before we revert back to the initial motion. So, Hon. Okumu has proposed further amendments to the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 (Kisumu County Bill No. 5) and seconded by Hon. Rueben Rakwach and I want to propose that, these proposed amendments are now open for debate.

The Speaker (Hon. Oraro): Hon. Tom Nyaoke member representing North Nyakach Ward.

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Mr. Speaker. Listening keenly to the proposed amendments which have been brought forth by Hon. Okumu. Mr. Speaker, with all intentions as to why we are introducing these further amendments and what the Member has raised which are certainly the very key points that we as a House need to consider. Mr. Speaker, the first point that Member raised that we need to consider is by approving the Ward Administrators who are the Chair for the Village Councils then thereafter, later we move to the Village Council Members is a consequential move that is going to ensure that procedures are followed. Mr. Speaker, I don't see anything that is contrary or gone against the original proposal and I therefore support the amendments that the Member has brought forth. Thank you.

The Speaker (Hon. Oraro): Yes the Hon. Oiko Pete member representing Kabonyo/Kanyagwal Ward.

Hon. Oiko (MCA, Kabonyo/Kanyagwal Ward): Thank you Mr. Speaker. It is very much in order to be specific in the Bill because the Bill will become an Act so that later on we don't lament and look for other explanations. This is because the Act will be self-explanatory and will be followed to the letter. Mr. Speaker, like when the Village Administrators have been recruited by the County Public Service Board, the Assembly will now bestow the powers and authority to the County Executive Committee Member to appoint these Village Administrators and Village Councils Members. This is after the County Public Service Board has done its work and the

Minister in-charge will now derive his authority from the County Assembly for the Village Administrators to commence their work that is, the County Assembly will approve their appointments and that is very explicit when it is specified in the Act.

Mr. Speaker, another element that has been raised by Hon. Seth Okumu is that, this will give the Village Administrators to know that they are holding those positions as a result of the approval by the County Assembly. Mr. Speaker, the Minister In-charge will equally see the powers of the County Assembly that, the County Assembly has accorded the Minister the powers to move forward with these appointments.

Mr. Speaker, consequently, once this has been done to the Village Administrators and the Village Councils, the approval of this House is equally needed. So, there is nowhere where we shall start asking how, because in the Act it is well spelt out and what should be done and this will make our work easy and consequently the work of the County Executive and the Act will flow. Mr. Speaker, I so submit that, these amendments are necessary and they will guide us in the management of this matter of the Village Council. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I am not seeing any further debate on these amendments. So, Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme Ward): Thank you Mr. Speaker. I want to thank the Honourable Member for unanimously agreeing with these amendments and, in realizing that we are doing this in good faith and trying to meet what is provided for in a National Act (County Government Act, 2012) that this County Assembly approves the Village Council Members which comprises of both the Chairperson who is the Village Administrator and the Village Council Members. Mr. Speaker, for us to constitute the Village Council Members, we must first approve the Village Administrators. So, having their approval done in different occasions is necessitated by the changes that we are going to enact in this Act. Otherwise, thank you so much. I hereby reply.

The Speaker (Hon. Oraro): Honourable Members, the Honourable Seth Okumu the MCA representing East Seme Ward has proposed further amendments on the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 (Kisumu County Bill No. 5) which has seconded and debated. Now, I want to put a question but, I am going to put a question on those proposed amendments which are five in number. So, I want to put a question that, the first amendment on each and every one of them;

1. THAT, Amendment of Section 10 (1) having been amended with an inclusion of a new Section immediately after the said section; a second amendment be caused on the first amendment as follows:

Amend by deleting the words “and the Members of the Village Council” immediately after the words “Village Administrators” to read as follows:

10 (2) The County Public Service Board shall within 14 days upon the completion of the interview process, submit the list of Village Administrators to the County Assembly for verification and approval.

(Question put and agreed to)

Honourable Members, now section 10 (1) and (2) as amended now becomes part of the Bill.

2. THAT, a second amendment be caused on the first amendment Clause 10 (3) by deleting the words “and the Village Council” immediately after the words “village administrators” to read as follows:

10 (3) Without prejudice to the generality of Section 10 (2) above, the County Public Service Board shall alongside the list of the proposed village administrators submit;

(Question put and agreed to)

Honourable Members, now section 10 (3) as amended now becomes part of the Bill.

3. THAT, the same amendment be caused in the first amendment Clause 10 (3) (b) by deleting the words “and members of the Village Council” immediately after the word “Village Administrators” to read as follows:

10 (3) (b) report on the village unit of residence and academic qualifications of the proposed village administrators and members of the Village Council.

(Question put and agreed to)

Honourable Members, now section 10 (3) (b) as amended now becomes part of the Bill.

4. THAT, a second amendment on the first amendment clause 10 (4) be amended by deleting the words “ant 2nd Schedule of this Act” immediately after the word “1st” to read as follows;

10 (4) The County Public Service Board shall submit the lists contemplated in sub-section (3) above in accordance with the templates provided for in the 1st Schedule..

(Question put and agreed to)

Honourable Members, now section 10 (4) as amended now becomes part of the Bill.

5. THAT, an amendment be caused on the Bill by insertion of a new clause immediately after clause 10 (4) as follows:

10 (5) The Village Administrator shall within 21 days upon appointment nominate and submit a list of Members of the Village Councils to the CEC Member for County Administration in accordance with the 2nd Schedule of this Act.

10 (6) The CEC Member shall within 14 days submit the list of the Members all the Village Councils to the County Assembly for Approval.

(Question put and agreed to)

Honourable Members, now section 10 (5) as amended now becomes part of the Bill.

Honorable Members, as I had proposed earlier, we are still in the Third reading and we have so far received further five amendments which we have put question to and now forms part of the Bill. So, is there any further amendment?

The Speaker (Hon. Oraro): Honourable Members, if there is none then, I believe that a Member should call upon the mover to reply.

The Speaker (Hon. Oraro): Yes Hon. James Omollo member representing West Nyakach Ward.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Mr. Speaker. At this juncture please allow me to call upon the mover to reply. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Moses Ochele.

Hon. Ochele (MCA, East Kano-Wawidhi Ward): Thank you very much Mr. Speaker. May I take this opportunity to commend the House Standing Committee of Administration of Law, Justice and Constitutional Affairs and Good Governance and Security who have been very keen and steadfast to ensure that this amendment Bill becomes a success. Similarly, I want to extend my gratitude to Honourable Members of this House whom until today have been actively involved in the entire process. I cannot forget to thank my predecessor Hon. Seth Okumu whom I want to appreciate in a special way because, we picked this report from where he had initially left it and he has been part and parcel of the entire process. Mr. Speaker, thank you very much because I want to believe that, we are coming up with a law that will ease the work of the County Executive in the process of appointment and management of the Village Administrators and the Village Councils. Mr. Speaker, with those few remarks I reply.

The Speaker (Hon. Oraro): Honourable Members, that marks the end of the Bill making process of the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 (Kisumu County Bill No. 5) which I had initially explained that it was brought into this House and committed to the relevant House Committee of Administration of Law, Justice and Constitutional Affairs and Good Governance and Security. Public Participation was conducted and a report brought to this House and the second reading was undertaken, amendments made. The Third Reading was done and further amendments were proposed and adopted. Now, as per the provisions of the opinion that the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 (Kisumu County Bill No. 5) together with amendments therein be adopted?

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 (Kisumu County Bill No. 5) has been adopted today Tuesday, 14th November, 2023 at 15:08 hours.

Honourable Members, I direct that the Hansard Report be prepared for submission to the Governor for assent. Thank you.

The Speaker (Hon. Oraro): Next order!!

MOTION

ADOPTION OF A REPORT BY THE SELECT COMMITTEE OF IMPLEMENTATION ON
A PROGRESS REPORT ON THE STATUS OF IMPLEMENTATION OF HOUSEW
RESOLUTIONS OF THE THIRD ASSEMBLY (FIRST AND SECOND ASSEMBLY)

BY

HON. HENRIETTA BODO, NOMINATED MEMBER

(CHAIRPERSON, SELECT COMMITTEE OF IMPLEMENTATION)

The Speaker (Hon. Oraro): Yes Hon. Henrietta Bodo!!

The Speaker (Hon. Oraro): Hon. Adeg, what is it? Can you please be on the Hansard?

Hon. Adeg (MCA, Kajulu Ward): Thank you Mr. Speaker. I was consulting with my colleague here who is informing me that the Select Committee is out on official duties in Kilifi.

The Speaker (Hon. Oraro): Next order!!

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, there being no any other business to transact, this House stands adjourned until Wednesday, 15th November, 2023 at 09:00 a.m.

(House rose at 03:10 p.m.)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>Senior Hansard Reporter (In-charge)</i>
<i>Edward Odanga</i>	-	<i>Reporter</i>
<i>Fanuel Okode</i>	-	<i>Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Reporter</i>
<i>Jesca Otieno</i>	-	<i>Reporter</i>
<i>Dennis Onyango</i>	-	<i>Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Reporter</i>
<i>Valery Achieng'</i>	-	<i>Reporter</i>